

REMARKS

Claims 1-11 are pending in this application, with Claims 1, 6 and 11 being the independent claims. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern (U.S. Patent No. 6,381,465) in view of Bomze (U.S. Pub. No. 2003/0181201). Claim 6 is rejected under 35 U.S.C. 112, second as being indefinite, because the claim does not describe in what memory the scheduled data is stored. The Examiner then interprets the limitation as storing schedule data in the memory of the mobile terminal.

Reconsideration of this application is respectfully requested.

Chern discloses a server 858, which may be a part of an Internet web site, and includes an alert server, an agent server, and an ad server. When server 858 receives a monitoring request, the agent server monitors appropriate databases, Internet web sites, and other sources of information, which may include other agents, for the occurrence of conditions that would meet the user's request. When the conditions are met, the agent server generates an SMS alert message and requests the ad server to append any advertising. Based on the alert message content, user location and preferences, and available ad space, an ad message is generated by the ad server and appended to the alert message. The alert server then sends the alert message with appended advertising to the user's handset. (See col. 13, lines 37-50).

Regarding the rejection of Claim 6 as being indefinite, it has been amended to obviate the Examiner's objection. Withdrawal of the objection is respectfully requested.

Claim 6 recites in part a method for "accessing a server of an SMS-based advertisement service provider to select at least one desired advertisement and at least one desired advertisement time and to input a phone number of the portable mobile terminal for receiving data related to a selected advertisement."

Chern only teaches a monitoring and alert system, which includes a wireless device that sends a monitoring request to a remote server. When the conditions specified by the monitoring request are met, the server generates an SMS alert message. The server determines the maximum length in characters of the SMS message and whether there is sufficient space remaining for an advertisement. If sufficient space is available, the server generates an advertisement and appends it to the SMS alert message. The alert message with appended advertising is then sent to the wireless device. (See Abstract). Chern does not recite accessing a server of an SMS-based advertisement service provider to select at least one desired advertisement and at least one desired advertisement time and to input a phone number of the portable mobile terminal for receiving data related to a selected advertisement. With Chern, an advertisement is sent only if there is sufficient space. Consequently, it may not be sent at all.

Furthermore, the Examiner acknowledges that Chern fails to teach displaying the selected advertisement data according to the advertisement schedule data and returning to an initial screen mode after displaying the advertisement for a specified time according to the advertisement schedule data. The Examiner cites Bomze at paragraph 45 for curing this deficiency. The process of determining if advertisement is displayed in a rotation is disclosed in Bomze. However, Claim 6 recites a different feature. More particularly, Claim 6 recites advertisement schedule, which is shown in Figure 3B of the present invention. The Advertisement Schedule Data field includes a display schedule for the advertisement to be displayed. Fundamentally, the Advertisement Schedule Data field includes an Ad Start Time field, an Ad Expiration Time field, a Time Information Number field, a Rotation Time field, a Display Day field, a Display Start Time field, and a Display Duration Time field. The teaching of an advertisement schedule resembling the one depicted in Fig. 3B of the present invention is nowhere to be found in the cited passage or elsewhere in Bomze. Consequently, Claim 6 is patentably distinct from the cited reference.

Claim 11 recites a method for checking an advertisement identifier (Ad ID) of a received message to determine whether the received message is an advertisement message. The Examiner alleges that Chern at col. 14, lines 20-40 discloses steps (a) and (b) of Claim 11. Chern's main concern is about an alert message. If sufficient space is available, the server generates an advertisement and appends it to the SMS alert message. Chern only teaches a monitoring and alert

the conditions specified by the monitoring request are met, the server generates an SMS alert message. The server determines the maximum length in characters of the SMS message and whether there is sufficient space remaining for an advertisement. If sufficient space is available, the server generates an advertisement and appends it to the SMS alert message. The alert message with appended advertising is then sent to the wireless device. (See Abstract).

The teachings of steps (a) and (b) of Claim 11 is nowhere to be found in the cited passage or elsewhere in Chern, because Chern is primarily about SMS alert messages. Furthermore, the Examiner acknowledges that Chern fails to teach displaying the selected advertisement data according to the advertisement schedule data and returning to an initial screen mode after displaying the advertisement for a specified time according to the advertisement schedule data. The Examiner cites Bomze at paragraph 45 for curing this deficiency and for teaching steps (c), (d) and (e) of the present invention. The process of determining if advertisement is displayed in a rotation is disclosed in Bomze. However, Claim 11 recites a different feature. More particularly, advertisement schedule is shown in Figure 3B of the present invention. The Advertisement Schedule Data field includes a display schedule for the advertisement to be displayed. Fundamentally, the Advertisement Schedule Data field includes an Ad Start Time field, an Ad Expiration Time field, a Time Information Number field, a Rotation Time field, a Display Day field, a Display Start Time field, and a Display Duration Time field. The teaching of either an advertisement schedule whose format is depicted in Fig. 3B of the present invention or steps (c), (d) and (e) of Claim 11 is nowhere to be found in the cited passage or elsewhere in Bomze. Consequently, Claim 11 is patentably distinct from the cited reference.

Claim 1 includes similar recitations as Claims 6 and 11 and is therefore, patentably distinct from the cited reference for the same reasons articulated above.

The Examiner has failed to show that all of the recitations of Claims 1, 6 and 11 are taught, disclosed or fairly suggested by either Chern or Bomze, or the combination thereof. Accordingly, the Examiner has failed to make out a prima facie case for an obviousness rejection.

Claims 1, 6 and 11 are not rendered unpatentable by Chern or Bomze, or the combination thereof. Thus, independent Claims 1, 6 and 11 are believed to be in condition for allowance.

Without conceding the patentability per se of dependent Claims 2-5, and 7-10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-5, and 7-10 are respectfully requested.

Accordingly, all of the claims pending in the Application namely, Claims 1-11, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

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